

DOCUMENT SUMMARY

Document Id" 1636G
Document Name" Warning lt. Bayside ijij
Operator" MBrown.
Author" MBrown.
Comments" .wmb.new.830613.

STATISTICS

OPERATION	DATE	TIME	WORKTIME	KEYSTROKES
Created	06/13/83	11*45	1*05	3338
Last Revised	06/14/83	16*20	*17	595
Last Printed	06/16/83	11*55		
Last Archived	/ /	"	onto Diskette	
Total Pages"	3	Total Worktime"	2*24	
Total Lines"	120	Total Keystrokes"	6940	

Pages to be printed 3

USEPA RCRA



3014015

Mr. Sid Grover
Bayside Waste Hauling and Transfer Incorporated
7201 West Marginal Way S.W.
Seattle, Washington 98106

Mr. Richard Owings
Midway Landfill
Seattle Engineering Department
606 Municipal Building
Seattle, Washington 98104

Mr. Joe Anderson
Sunset Demolition
PO Box 78462
Seattle, Washington

Notice of Violation of
RE: Disposal of Jorgensen's K061 hazardous waste

Dear Sirs:


On April 12, 1983, the Environmental Protection Agency (EPA) and the Washington Department of Ecology (WDOE) inspected the Earl M. Jorgensen Company of Seattle (Jorgensen). The purpose of this inspection was to determine compliance with the hazardous waste regulations adopted pursuant to the Resource Conservation and Recovery Act (RCRA). During this inspection, violations of these regulations were noted. You should be aware that violations of RCRA may be subject to administrative civil penalties.

Jorgensen generates emission control dust/sludge from the primary production of steel in electric arc furnaces (EPA hazardous waste code K061). Since before May 19, 1980, Jorgensen had contracted with Bayside Disposal Company of Seattle (Bayside) to transport the hazardous waste offsite. Bayside has transported approximately 366 tons of K061 in 1981 and 281 tons in 1982. This waste was transported to Midway Landfill located in Midway, Washington from before May 19, 1983 to January 1982 and Sunset demolition located in Renton, Washington from January 1982 to January 1983.

The violations noted in the inspection relate to the RCRA regulations 40 CFR 263 and 265 as follows:

1. Bayside Manifest System--40 CFR Subpart B prohibits transporters from accepting hazardous waste from a generator unless the manifest system is utilized. Bayside (WAD64333576) transported the K061 hazardous waste from Jorgensen from before May 19, 1980 until January 1982 without the use of the manifest system.
2. Midway Landfill and Sunset Demolition Operating a Disposal Facility Without a Permit--Section 3005 of RCRA prohibits disposal of hazardous waste at facilities that have neither interim status nor a Part B Permit. Neither Midway Landfill and Sunset Demolition have interim status nor a Part B Permit and have received K061 hazardous waste from Jorgensen via Bayside. Therefore, both Midway Landfill and Sunset Demolition have operated a hazardous waste disposal site without a RCRA Permit.

These violations are serious matters that must be corrected immediately. While we are willing to provide you with the opportunity to take voluntary appropriate corrective action, we will move expeditiously to implement appropriate enforcement authorities if necessary.



Within thirty (30) days of receipt of this letter, please advise us of the corrective action that you will take on the above matters. Inquires or correspondence should be directed to Mr. George Hofer, Environmental Protection Agency (EPA) Region 10, RCRA Compliance and Permits Section, 1200 Sixth Ave M/S 533, Seattle, Washington 98101; (206) 442-2803.

Sincerely,

Alexandra B. Smith, Director
Air & Waste Management Division

cc Julie Sellick, WDOE-NW
John LaVillette, Jorgensen

bcc Judy Fey, EPA

Mike - what do we want them to do?

designate where buried? dig up? cover?

GW monitor?

Also seems to me they are now an illegal disposal site and that we ~~are~~ ought to ~~the~~ tell them that. Therefore they have to remove or close & monitor.

DOCUMENT SUMMARY

Document Id" 1546G
Document Name" CD Jorgensen Steel.
Operator" MBrown.
Author" MBrown.

Comments" .wmb.new.830505.

STATISTICS

OPERATION	DATE	TIME	WORKTIME	KEYSTROKES
Created	05/05/83	11*32	*04	50
Last Revised	06/14/83	16*07	*13	510
Last Printed	06/14/83	16*29		
Last Archived	06/03/83	16*16	onto Diskette	0009G
Total Pages"	5	Total Worktime"	1*44	
Total Lines"	160	Total Keystrokes"	3641	

Pages to be printed 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

IN THE MATTER OF)	
)	
Environmental Protection Agency,)	RCRA Docket X-83-mm-mm-3008
)	
Complainant,)	COMPLAINT AND
)	COMPLIANCE ORDER
)	
v.)	
)	
Earle M. Jorgenson Company,)	
)	
Respondent.)	
_____)	

COMPLAINT

This is a civil administrative action initiated pursuant to Section 3008(a) of the Resource Conservation and Recovery Act [42 USC 6928(a)], hereinafter referred to as "the Act." The Complainant is Region 10 of the United States Environmental Protection Agency (EPA). Based on an inspection conducted on April 12, 1983 by EPA and the Washington Department of Ecology (WDOE), Complainant has reason to believe that the above-named Respondent has violated Section 3005 of the Act (42 USC 6925) and regulations promulgated thereunder as follows"

FINDINGS OF FACT

1. Respondent (WAD000602813) has operated a steel mill since the mid 1960's at 8531 E. Marginal Way South, Seattle, Washington. Respondent's activities generate hazardous waste which is transported offsite within 90 days. Respondent generates emission control dust/sludge from the primary production of steel in electric furnaces (EPA Hazardous Waste Code K061). *was?*

2. Respondent submitted Notification of Hazardous Waste Activity (EPA Form 8700-12) which was received by EPA on July 29, 1980, as required by 3010(a) of the Act and 40 CFR 122.21(c). This notification indicated that Respondent was a generator and also a treater, storer, and/or disposer of K061 hazardous waste.

3. ~~40 CFR Part 262 establishes standards for all hazardous waste generators. Respondent is a generator of hazardous waste as evidenced by the Notification of Hazardous Waste Activity.~~

3 ~~4~~. Respondents contracted with Bayside Hauling and Transfer Incorporated (Bayside) (WAD641333576) located at 7201 West Marginal Way SW, Seattle Washington for transporting of 366 tons of K061 in 1981 and 281 tons of K061 in 1982. Bayside ~~had~~ transported this K061 hazardous waste ~~for disposal~~ from Respondent to Midway Landfill in Midway, Washington from before May 19, 1980 ~~until~~ ^{through} January 1982, and to Sunset Demolition located at 1300 Empire Way, Renton, Washington from January 1982 ~~until~~ ^{through} January 1983. Respondent neither manifested this ~~1/4~~ K061 hazardous waste as required by 40 CFR 262 Subpart B nor implemented the pre-transportation requirements as required by 40 CFR 262 Subpart C. ~~Further, under the manifest amount~~

4 ~~5~~. Respondents stated during the inspection that they did not consider the bag house dust generated at this site a listed hazardous waste because their interpretation of primary production. Complainant recognizes the difference in EPA's and the steel industries definition of primary production. However, Respondent did submit a notification with the listing K061 hazardous waste but did not consult Complainant before

unilaterally deciding that their bag house dust was not hazardous waste.

Explain the difference and use all references in background, listing, or other EPA documents

unilaterally deciding that their bag house dust was not hazardous waste. Even if Respondent's bag house dust was not a listed waste, Respondent needed to make a determination ^{that} if their solid waste ^{did not fail} the characteristic tests ^{prior to treating them as a non hazardous waste} as required by 40 CFR 262.11. Respondent did not initiate this determination until March 1982 and did not complete it until December 1982. The determination showed that bag house dust fails ^{EP Toxic} the characteristic test for Chromium and Lead.

PROPOSED CIVIL PENALTY

In view of the above-cited violations, Complainant proposes to assess a penalty of THIRTY THOUSAND FIVE HUNDRED DOLLARS (;30,500), computed in accordance with EPA Guidelines for penalties assessed under the Act as follows:

<u>Violation</u>	<u>Proposed Penalty</u>
40 CFR 262 Subpart B	;13,000
40 CFR 262 Subpart C	;13,000
40 CFR 262.11	; 4,500

COMPLIANCE ORDER

Based upon the foregoing and pursuant to Section 3008 of the Act, it is hereby ordered that the Respondent take the following corrective actions within the time periods specified:

1. Respondents shall not offer for shipment any hazardous waste without the use of hazardous waste manifest tracking ^{to} system required in 40 CFR 262 Subpart B.
2. Respondents shall implement the pre-transporting requirements of packing, labeling, marking, placarding and accumulation time required in 40 CFR 262 Subpart C.
3. Respondents shall comply with the recording and reporting as required by 40 CFR 262 Subpart D.
4. Respondent shall submit a written description within thirty (30) ^{offer the receipt of this order} days to Mr. George Hofer at 1200 Sixth Avenue, Seattle, Washington 98101, Phone (206) 442-2803 how they will implement Paragraphs 1, 2, and 3 above.

OPPORTUNITY TO REQUEST A HEARING

A copy of the "Consolidated Rules of Practice" governing these penalty proceedings is attached. Under those rules Respondent has the right to request a hearing" (a) to contest any material fact set forth in the Complaint, or (b) to contest the appropriateness of the proposed penalty, or (c) to contend that Respondent is entitled to judgment as a matter of law.

To avoid being found in default and having the proposed civil penalty assessed and the Compliance Order become final without further proceedings, Respondent must file a written response to the Complainant. Respondent's written response may include a request for a hearing, if desired. The response (if any) must be addressed to the Region 10 Hearing Clerk, Office of Regional Counsel, Environmental Protection Agency, M/S 613, 1200 Sixth Avenue, Seattle, Washington 98101-3188 and filed within thirty (30) days of Respondent's receipt of this Complaint and Compliance Order.

Respondent's response should clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint and Compliance Order about which Respondent has any knowledge. The response should contain" (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts

Respondent intends to place at issue in the hearing, if requested.

If Respondent fails to file a written answer within thirty (30) days of receipt of this Complaint and Compliance Order, such failure constitutes an admission of all the facts alleged in the Complaint and a waiver of Respondent's right to a hearing. A final order upon default will, thereafter, be issued by the Regional Administrator and filed with the Region 10 Hearing Clerk.

Any hearing requested by Respondent will likely be held at the Region 10 office of EPA in Seattle. Hearings held will be conducted in accordance with the attached Consolidated Rules of Practice (40 CFR Part 226, 45 FR 24363).

INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act. At an informal conference with a representative of the Complainant, Respondent may comment on the charges and provide whatever additional information Respondent feels is relevant to the disposition of this matter, including any actions Respondent has taken to correct the violations and any other special circumstances Respondent cares to raise.

Respondent's request for an informal conference and other questions that Respondent may have regarding this Complaint should be directed, in writing, to Mr. Kenneth D. Feigner, Environmental Protection Agency, Region 10, M/S 533, 1200 Sixth Avenue, Seattle, Washington 98101-3188, or by telephone to Mr. Feigner at (206) 442-2782.

Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for hearing must be submitted. The informal settlement conference procedure may be pursued simultaneously with the adjudicatory hearing procedure. Any settlement which may be reached as a result of such conference will be embodied in a written Agreed Final Compliance Order to be issued by the Regional Administrator of EPA, Region 10, and signed by Respondent. Respondent's signing of such Agreed Final Compliance Order would constitute a waiver of Respondent's right to request a hearing on any matter stipulated therein.

NOTICE OF LIABILITY FOR ADDITIONAL CIVIL PENALTIES

Pursuant to the terms of Section 3008(a)(3) of the Act, a violator failing to take corrective action within the time specified in a Final Compliance Order is liable for a civil penalty of up to Twenty-five Thousand Dollars (;25,000) for each day of continued noncompliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an answer requesting a hearing or requesting an informal settlement conference, Respondent may choose to comply with the terms of the Compliance Order, and to pay the proposed penalty. In that case, payment should be made by sending to the Regional Hearing Clerk, Environmental Protection Agency, Region 10, M/S 613, 1200 Sixth Avenue, Seattle, Washington, 98101-3188, a cashier's check or certified check payable to "Treasurer, United States of America" in the amount

specified in the "Proposed Civil Penalty" section of this Complaint and Compliance Order.

DATED this _____ day of _____ 1983.

L. Edwin Coate
Acting Regional Administrator

ROUTING AND TRANSMITTAL SLIP

Date

6-16-03

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1. *Jorgensen Steel*

2. ~~*George H.*~~ / *Rice*

3. *Ken F.*

4. *Mike Brown*

5.

Action	File	Note and Return
Approval	<u>For Clearance</u>	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Jorgensen Steel

Order

winning letter to

- Bay Side
- Midway
- Sunset

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Mike Brown

Phone No.